

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

2004 FEB -4 P 3:10

U.S. DISTRICT COURT
DISTRICT OF MASS.

In the Matter of the Arbitration Proceedings between)
)
JOHN HANCOCK LIFE INSURANCE COMPANY,)
Petitioner,)
)
and)
)
SPHERE DRAKE INSURANCE LIMITED,)
Respondent)
_____)

Civil Action No.:
04-10181MLW

**MOTION OF RESPONDENT SPHERE DRAKE INSURANCE LIMITED
TO DISMISS OR IN THE ALTERNATIVE STAY THE PETITION OF
JOHN HANCOCK LIFE INSURANCE COMPANY TO
COMPEL ARBITRATION PROCEEDINGS**

Respondent Sphere Drake Insurance Limited ("Sphere Drake") respectfully moves this Court to dismiss or in the alternative stay the Petition of John Hancock Life Insurance Company to Compel Arbitration Proceedings. As grounds for this Motion, Sphere Drake says that there is no evidence, documentary, testimonial or otherwise, to suggest that the parties ever agreed that arbitration of the contracts at issue in this matter would take place in Massachusetts.

Furthermore, dismissing or staying this action will serve to promote both judicial economy as well as international comity. As John Hancock is well-aware, currently pending in England is Sphere Drake's demand for arbitration of these very same contracts. Since the contracts at issue in this matter were negotiated in England and since all of the witnesses to the negotiation of these contracts reside in England, it only makes both judicial and common sense that arbitration of this matter occur in England.

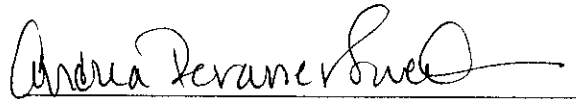
As further grounds for this Motion, Sphere Drake relies upon its Memorandum of Law in Support of its Motion To Dismiss or Stay John Hancock's Petition To Compel Arbitration

Proceedings and the Affidavit of Raymond Gordon Bell and the exhibits attached thereto filed herewith.

REQUEST FOR ORAL ARGUMENT

Pursuant to L. R. 7.1(D), Sphere Drake respectfully requests that this Court hold oral argument on Sphere Drake's Motion To Dismiss Or In The Alternative Stay John Hancock Life Insurance Company's Motion To Compel Arbitration Proceedings. Sphere Drake believes oral argument will assist the Court in ruling on the pending motion.

SPHERE DRAKE INSURANCE LIMITED
By its attorneys,



Andrea Peraner-Sweet (BBO#550515)

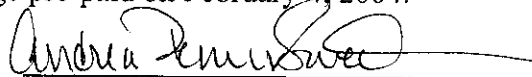
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CERTIFICATE OF SERVICE

I, Andrea Peraner-Sweet, hereby certify that a copy of this document was served upon all counsel of record by first-class mail, postage pre-paid on February 4, 2004.



Andrea Peraner-Sweet